

**REMARKS**

**Objections (New Matter)**

The Examiner asserts at page 2 of the Office Action that the applicants' amendment of claim 1 to include "to produce an updated schedule for designing the end product according to the current state" constitutes new matter. The applicants respectfully disagree.

As is disclosed in the specification at paragraph 21, in one implementation, through real-time monitoring, the invention provides among other things real-time views of the design process, failures to meet schedules or other time-sensitive events in the design process, and correction to design failures. If the design includes scheduling, it follows that correcting design failures includes producing updated scheduling. The subject matter of the amendment is therefore disclosed.

The amendment is further supported in paragraphs 64-68:

[0064] Embodiments of the invention also include techniques for highlighting discrepancies in the design chain, by use of a "Schedule screen" 200, which relates planned and expected values for the task atomic elements in a project and highlights identified discrepancies therein. In some embodiments, this view 200 is generated by extracting all planned tasks for the project from the Project Planning application 102; in some embodiments, discrepancies may be color-coded. Specific rules are then applied to highlight discrepancies. By way of illustrative, non-limiting example, a typical rule for a task is presented as follows:

[0065] If(expected\_end\_date-plan\_end\_date)>x % color code red;

[0066] If(expected\_end\_date-plan\_end\_date)<=0 color code green;

[0067] If(expected\_end\_date<today) and task\_completion\_percent<100%  
=>color code red;

[0068] Color code yellow otherwise

Specifically, discrepancies in a schedule are "highlighted" as they are identified. A "schedule screen" is updated based upon current state (e.g., date). Therefore, an updated schedule is created according to current state.

Additional examples of support for the claim language are not provided because the above two are sufficient.

#### Rejections (112)

The Examiner rejected claims 1-9 under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement. The rejections are traversed for the reasons provided above.

#### Rejections (102)

The Examiner rejected claims 1-3, 7-9 under 35 U.S.C. 102(e) as being allegedly anticipated by Swanke et al. (US Pat. 7,212,987). Swanke et al. disclose coordinating resources to complete a design project. (Abstract).

To anticipate a claim, the cited prior art must teach each and every element of a

claim.

Claim 1 includes the language: "a monitoring engine, the monitoring engine including software in real-time communication with the first, second, and third software tools, such that the monitoring engine is operative to measure design progress in view of the current state received from the first software tool, the second software tool, and the third software tool; and to produce an updated schedule for designing the end product according to the current state."

The Examiner has asserted that Swanke et al. teach a monitoring engine (Figure 2 and column 2 from line 60), but has provided no teaching regarding the functionality of the monitoring engine. Specifically, as one example, the Examiner has not provided a teaching or suggestion that Swanke et al. disclose a monitoring engine "to produce an updated schedule for designing the end product according to the current state," as claimed in claim 1. Upon a careful reading of the Swanke et al. reference, the applicants believe that no such teaching is present. Accordingly, claim 1 is believed to be allowable over the cited prior art.

Claims 2-9, which depend from claim 1, are allowable at least for depending from an allowable base claim, and potentially for other reasons, as well.

#### Rejections (103)

The Examiner rejected claims 4-6 under 35 U.S.C. 103(a) as being allegedly unpatentable over Swanke et al. in view of Ernst (US Pat. 6,591,278). Since claims 4-6 are believed to be allowable at least for depending from an allowable base claim, a

detailed analysis of Ernst is deemed unnecessary.

Conclusion

If the Examiner believes that a conference would be of value in expediting the prosecution of this application, he is cordially invited to telephone the undersigned counsel at (650) 838-4383 to arrange for such a conference. No fees are believed to be due, however, the Commissioner is authorized to charge any underpayment in fees to Deposit Account No. 50-2207.

Respectfully submitted,  
Perkins Coie LLP

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